

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STEVEN HODA	§	PLAINTIFF
	§	
v.	§	Civil Action No. 1:09cv772-LG-RHW
	§	
ROBERT EMMIL, Deputy	§	DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATIONS

BEFORE THE COURT is the Report and Recommendations [44] entered by United States Magistrate Judge Robert H. Walker on July 29, 2011. Judge Walker recommends that the Motion for Summary Judgment [39] filed by Robert Emmil be granted. Judge Walker determined that Hoda failed to demonstrate a constitutional violation concerning his claim for excessive force, and in the alternative, Emmil is entitled to qualified immunity.

Hoda was advised that he must file any objections to Judge Walker's recommendations within fourteen days of being served with a copy of the Report and Recommendations. The Court record reveals that Hoda has not filed an objection to the Report and Recommendations.

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendation, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th

Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Report and Recommendations is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Report and Recommendations entered by United States Magistrate Judge Robert H. Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendations [44] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby is, **ADOPTED** as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion for Summary Judgment [39] is **GRANTED**. This lawsuit is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED this the 22nd day of August, 2011.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE